

REMARKS

Claims 1, 2, 5, 8, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang (U.S. Patent Application Publication Number US20010030953A1) in view of Hui et al. (U.S. Patent Application Publication Number US20040266429A1). Respectfully disagreeing with these rejections, reconsideration is requested by the applicant.

In his previous response, the applicant, desiring to expedite the issuance of a patent for the present invention in view of the Examiner's indications of amendments that would confer allowance, amended the claims in accordance with the Examiner's suggestions. In particular, the text of claim 14 was incorporated into claim 1. However, claim 1 as amended was not allowed. Thus, the applicants respectfully disagreeing with the claim rejections, have removed the text of claim 14 from claim 1 and moved it into new claim 52.

As presently amended, independent claim 1 recites: "providing, by a cell in the mobile communication system, data transmission services via a forward link; indicating, by the cell, to an MS that the cell will not provide data transmission service to the MS via the forward link" (emphasis added). The Examiner asserts that the BS Ack ORDER message 801 indicates that the source base station will not provide data transmission service. Chang discusses message 801 in paragraph [0084]. Chang paragraphs [0082-0084] read as follows (emphasis added): . . .

[0082]In step 80j, the mobile station sends a reverse traffic channel frame or a traffic channel preamble to the target base station.

[0083]In step 80k, the mobile station sends a handoff completion message to the target base station.

[0084]In step 80l, the target base station wirelessly sends a BS Ack order message to the mobile station, in reply to the handoff completion message.

The applicant fails to see how the BS Ack ORDER message 80l, as described in

Chang, can be said to indicate that the source base station will not provide data transmission service. First, Chang clearly states that the BS Ack ORDER message 80I is in reply to the handoff completion message sent in step 80k by the mobile station. The applicant submits that this simply implies that the BS Ack ORDER message 80I is an acknowledgment message, as its name suggests. The applicant cannot find any other teaching or suggestion regarding BS Ack ORDER message 80I.

Moreover, the applicant submits that FIG. 8 suggests that the mobile station has already left the source BS for the target BS beginning with step 80j. The applicant fails to see how this suggests that the BS Ack ORDER message 80I (the second message after 80j) can be said to indicate that the source base station will not provide data transmission service. Again, the applicant submits that Chang merely teaches that the BS Ack ORDER message 80I is in reply to the handoff completion message. No teaching or suggestion that the BS Ack ORDER message 80I indicates anything else can be found in Chang.

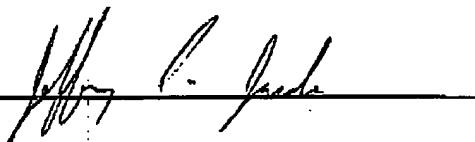
Furthermore, claim 1 recites "indicating, by the cell, to an MS that the cell will not provide data transmission service to the MS via the forward link" (emphasis added). In contrast, Chang [0084] clearly teaches that it is the target base station that sends message 80I, not the source base station. This is of course consistent with the applicant assertion that FIG. 8 suggests that the mobile station has already left the source BS for the target BS beginning with step 80j. Thus, the applicant submits that Chang not only fails to teach "indicating, by the cell," as claim 1 recites, but explicitly teaches away from such operation.

Since none of the references cited, either independently or in combination, teach all of the limitations of rejected independent claim 1, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 – Motorola, Inc.

Respectfully submitted,
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